

MINIARY TRIAL.

Spent in the Examination of
cases for the state.

cases yet to be heard for
the defense.

to-day was filled
with cases whose ears were
filled with every word of
the case of the state
against J. W. Fleming.
The case was brought into
the court room, and several
persons stepped up to
the witness stand, and
gave their testimony, and
then the case was closed
and the jury retired to
deliberate.

was called Mr. Fur-
nace, and he was sworn
in, and then the case was
continued to the next day.

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at five. Lived at the cor-
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seconds, time enough for Fleming to
tell him not to come a step toward
him, and for Cunningham to say
"You've got a pistol—G—d—n
you." He had just got through
saying this when he drew his pistol
and fired. As soon as Cunningham
spoke witness turned his eyes to him
and looked at him until the shot was
fired. Cunningham had not advanced
since he got out of the wagon. Cun-
ningham frequently passed along that
way in going home. The other road
was a little shorter. Didn't hear
Fleming mumble anything.

Re-direct.—Tom Parker was on the
outside of the gate and witness was
on the inside. Ferguson had got out of
the wagon. These were all the per-
sons he saw. Mr. I. B. Tucker lived
opposite his house, and others live
near there. Cunningham said nothing
else besides what was already
stated.

Adjourned until 1:30 p. m.

MRS. I. B. TUCKER.

Lived on Weatherford street, across
from where the shooting occurred.
Saw the killing of Mr. Fleming near
her home. Was in the cook room,
heard loud talking, walked out on the
front gallery and Mr. Cunningham
was just stopping his team. Mr.
Fleming was standing in the street
with his hand on a six shooter, which
he had in his hip pocket. Mr. Cun-
ningham said with an oath "You fol-
lowed me yesterday with a knife and
to-day with a pistol, but you are too
much of a coward to use them." Heard
no reply, and Mr. Cunningham then
said, "I will get out of the back and
fight you." As he got out, or
about the time he did get out, Mr.
Fleming drew his revolver and
lowered his hand to his side. Mr.
Cunningham exclaimed with an oath:
"You draw a revolver on me, do you?"
and fired. He then took a step or two
towards Mr. Fleming with his revolver
partially raised. He was saying some-
thing at the time, what she did not re-
member. The next thing he said:
"There it is, I'll go and give myself up
to the officers," got into his back and
drove off. Mr. Fleming was standing
still when she came out, near the
center of the intersection. She did not
recognize the loud voices she heard
before she came out. Mr. Fleming did
nothing further with his pistol after
dropping it to his side, that she
saw. If he had raised his hand in a
position to shoot, she could have seen
it. She was looking towards them and
had a good view. Never heard Mr.
Fleming make any remark. Never
saw him make any gesture. Could
not see his left hand where she stood.

Cross-examined.—Lived on north
side of the street within fifty or sixty
feet of where the difficulty took place.
Was no judge of distance. Was in
the back part of the house preparing
supper when she heard the loud noises.
Did not then recognize any voices or
distinguish any words of the
parties. The killing took
place to the south of her
house. When she heard the loud
talking she walked out on the porch
talking to herself. Major Fleming was
then standing still with his hand on
his pistol. Mr. Cunningham's horse
was facing north, he having just
checked him. He sat in his back a
few moments before getting out. She
did not see him place his hand in his
left bosom before getting out. She was
in a position after she came on the
gallery to see him if he had done so.
Did not think Mr. Cunningham ad-
vanced on Mr. Fleming after he got
out before he shot, not more than a
step anyway. He shot very quickly.
It was possible that he could have
raised his hand with the revolver in it
without her seeing it, but she was in a
position to see it. Understood him to
say nothing more after the shot than
she had stated. Did not
notice any children. The firing
of the pistol and the remark
of Mr. Cunningham came together.
She did not see him draw the pistol.
She only saw him jerk it out and shoot.

MR. I. B. TUCKER.

Saw the killing of Fleming. Heard
loud voices in the street and asked
Mrs. Tucker as she passed by what
noise that was. She went to the front
porch, came back and said that Flem-
ing and Cunningham were quarreling.
Saw there a short time and then went
out on the porch. When he got there
he saw Fleming draw his pistol from
his pocket and drop it down by his
side. At the same time he heard Mr.
Cunningham say, "You've got a pis-
tol for me," and at the same time
putting his hand in his bosom, pull-
ing his pistol and firing. As he
did that witness turned
his eyes toward Fleming and
saw him fall. Then he turned and
walked back toward the kitchen.
Then he went back to the front porch.
Mr. Cunningham still had his pistol
in his right hand. Fleming made no
effort to use his pistol that witness
saw. Turned his eyes toward Cun-
ningham and was not looking towards
Fleming at the time of the shot, hav-
ing turned his eyes at Cunningham's
remark. Cunningham was getting
out of the wagon when Fleming pulled
his pistol from his pocket.

Cross-examined.—After turning his
eyes to Cunningham he saw him pull
his pistol. This act followed the re-
mark very closely, or came about the
same time. He was making the re-
mark while drawing his pistol. Flem-
ing was facing toward the southwest,
where Cunningham was standing.

THOMAS J. PARKER.

Saw the killing of Fleming. Had
stopped at Mrs. Williams' house to
deliver some groceries. This was the
second house west of Holt's on the
south side of Weatherford. Cun-
ningham had passed Holt's house and
got out of sight from him. Was still
standing at the gate of Mrs. Williams.
Heard loud talking and recognized the
voice of Cunningham. Looked up
that way and saw Fleming standing
near the middle of Weatherford street,
with his right hand in his hip pocket.
Saw something that looked like the
handle of a pistol in his hand.
Thought he would go up and see what
the matter was. Heard Cunningham
remark that Fleming had been carry-
ing a pistol for him all day. Shortly
after that heard him say that he would
get out of his wagon, and did so.
Fleming drew his pistol out of his
pocket and kept it kind of hid behind
him. He said to Cunningham not to
come any farther toward him. Cun-
ningham remarked, "You have got a
pistol in your hand now," and about
that time drew his pistol and fired.
Turned his head toward Fleming and

was just falling. Turned and went
back to where his team was
hitched. The first he saw
of Cunningham was he passed
while witness was standing at the
gate. Fleming came along the side-
walk just afterwards. Did not hear
any words between them as they
passed. Saw no demonstrations from
either party.

Cross-examined.—Did not know
what Fleming was doing with his
pistol, if anything, when Cun-
ningham fired. Was not looking at
Fleming at the time. Turned his head
just after the shot and saw him fall.

C. S. FERGUSON.

Saw killing of Fleming. He and
Holt were walking along the south
side of Weatherford street. Had just
got opposite Holt's gate when Cun-
ningham and son passed in the street.
They stopped and Cunningham asked
him to ride home with him. Got in
the wagon. He remarked "That d-
old rascal has been carrying a pistol
for me all day." Asked him who and
looked around behind, saw Fleming
walking up towards the wagon.
By that time the son
had started the wagon off. When he
first saw Fleming he was behind, com-
ing up, with his right hand behind
him. Did not think he was on the
sidewalk. He made some reply to
Cunningham's remark. Did not un-
derstand what it was. Cunningham
and son drove on about fifteen feet
and turned around the corner. Cun-
ningham kept trying to stop the horse,
catching hold of the lines, and finally
backed the horse, turning the wagon
round with the front towards Weath-
erford street. Had not seen Fleming
all this time as backs were turned.
When the wagon stopped Fleming was
standing on Weatherford street facing
them, saying something not under-
stood, and shaking his left hand to-
ward the southeast, his right hand at
his side with the pistol in it.
Cunningham remarked, "The d- rascal
has got a pistol in his hand now."
He remarked first, "I'll get out of the
wagon," and then used the other re-
mark. He jumped right out, put his
hand in his left breast pocket, pulled
and fired instantly. Threw his eyes
toward Fleming and saw him fall. He
had his right hand with his pistol in
it partly raised. Fleming fell dead.
Jumped out of the wagon about the
time Cunningham did, and behind.
Cunningham's son told him he had
better go home, he was drinking,
about the time he caught hold of the
lines, the son also caught hold of
him, and tried to loosen
him from lines. Witness
also tried to keep him from going
back. When Cunningham first got
hold of the reins, the wagon had about
crossed Harding street and was upon
the open lot. Cunningham then
backed the wagon nearly across Har-
ding street bringing him near Holt's
fence and nearer Fleming. Did not
know Cunningham had any weapon
til he got out, and did not notice any
efforts to draw any until getting out.
Cunningham was calling Fleming
names all the time, saying he had
drawn a knife on him the day before
and had been following him all day
with a pistol. Thought he was talk-
ing to him. He was talking
rather loud. He always talked loud.
When witness got out he remarked,
"If that's the way you are going to do,
I will go on home." Both got out
about the same time. Thought he got
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"You have a pistol in your hand now,"
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Fleming said. Was paying attention
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"There lies his pistol," continued that
he would go and give himself up to an
officer, got into his wagon and went
off.

Cross-examination.—Frequently rode
home with Cunningham in the after-
noon. Lived near him. Nearly al-
ways went that way. That was the
nearest way to witness' house. Went
with him once when he went a differ-
ent way.

As it was now about 5 o'clock, an
adjournment was had until this
morning. The following persons are
yet to be heard for the state:
Marlin Phillips, Dan. Vaughn, J. H.
Maddox, R. H. Tucker, Alex. Mc-
Pherson, J. H. Murphy, Miss McFad-
den, John A. Thornton and E. M.
Wills. The names of the witnesses
for the defense have not yet been re-
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DEATHS IN TEXAS.

In Baird, October 30, Mrs. Lucy
Ann Clayton, aged 68 years.
In Brown county, October 29, Mrs.
Elizabeth C. Cradup, aged 22 years.



TO powder never varies. A marvel of
purity, strength and wholesomeness. More
economical than the ordinary kind, and
cannot be sold in competition with the mul-
titude of low test, short weight, alum or
phosphate powders. Sold only in cans. ROYAL
BAKING POWDER CO., 106 Wall Street,
New York.

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Warden Brush of Sing Sing prison
and Customs Officer Van Poppel have
been discharged from arrest, there be-

also, thanking the people of Virginia,
North Carolina and Maryland, who in
public meeting expressed sympathy

But was it not strange that these two
"excerpts" from the same ash tree of
1844 should encounter one another,

LOUIS, 0007 DWIGHT D. OSTROMER,
Luling, 18 33,
CALLAHAN COUNTY.

5007 Uron Vandam
Aaron J. Williams
Joseph C. Barnes, 20
D. Mary

THE CHEAPEST AND BEST BARGAINS ARE
OFFERED BY THE TEXAS INVESTMENT CO.

MUSICAL.

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MUSICAL.

A BIG CUT!

Randall & Chambers Co.

offer a nice assortment of
ALL-WOOL, DOUBLE WIDTH DRESS FLANNELS
At 50 Cents, Worth 75 cents!
ALL-WOOL DRESS FLANNELS AT 75C.,
WORTH ONE DOLLAR.

OUR STOCK OF LANGTRY SUITINGS AND LADIES CLOTHS IS COMPLETE.
All the Latest Styles Wraps.

Very Respectfully,
RANDALL & CHAMBERS CO.

NEW, STYLISH
315 Houston Street,
LEWIS BROTHERS & Co.,
Boots and Shoes, Fort Worth, Texas.

Mrs. C. D. Brown has en-
larged her Dress Goods De-
partment, and is now ready to
exhibit to her friends and cus-
tomers as full an assortment
of silks and all other new and
fashionable dress goods as can
be found elsewhere.

Her new Pattern Hats are
arriving, and a more elegant
assortment cannot be found in
the state.

N. B.—Ladies will please take notice that
all dress goods purchased of Mrs. Brown
can be made up, in the house, in the most
approved style, and perfect fits warranted.

Mrs. Brown desires to assure the
ladies of Fort Worth and North Texas
that her entire stock, including Millin-
ery, Dress Goods, Trimmings, Under-
wear and Ready-made Clothing, have
been selected and made up under her
own personal supervision, and the war-
rants qualities as good and prices as
low as can be had anywhere this side
of New York.

CLOAKS! CLOAKS!! CLOAKS!!!
Mrs. Brown is now receiving
her stock of Cloaks for ladies,
misses and children. The term
Cloaks embraces all the varieties
of Wraps, Dolmans, Circulars,
Visettes, Jackets, Jerseys, etc., etc.

Though shaken in every joint
and fibre with fever and ague,
or bilious remittent,
the system may
yet be freed from
the malignant virus
with Hostetter's
Stomach Bitters.
This system
against it with
its best tonic
and -spasmodic,
which is further
more a supreme
remedy for liver
complaint, dys-
pepsia, debility,
rheumatism, kid-
ney troubles and
other ailments.

For sale by all Druggists and Dealers gen-
erally.

Hostetter's Stomach Bitters
CURED BY
STOMACH BITTERS
For sale by all Druggists and Dealers gen-
erally.

Wm. Brown & Co.,
Staple and Fancy Groceries,
PRODUCE, PROVISIONS, CIGARS AND TOBACCO,
Corner Houston and First Streets.

T. W. POWELL,
Wholesale and Retail Dealer in
DRUGS, MEDICINES, PAINTS, ETC.
280, 19 HOUSTON STREET,
FORT WORTH, TEXAS.

News boys not allowed to turn on
the train for the Barnes House at
Albany Texas. J. L. BARNES
Proprietor.

J. L. Barnes does not deadhead any
one on the cars to drum for his hotel
at Albany, Texas.

The sick, worn and dejected
should read the advertisement of COL-
DEN'S LIQUID BEEF TONIC.

Barnes House, Albany, Texas, is the
Central, changed hands and re-
furnished.

It is one of the peculiarities of the
American people to devote all their
time to business, without regard to
health. In this rush for money and
fame many lives are ruined, which,
with proper attention and a timely use
of a proper corrective, could be saved.
For this purpose there is nothing
equal to the "Prickly Ash Bitters."
It relieves the system of all impurities,
purifies the blood, and by assisting na-
ture, restores health and vigor.

Texas & St. Louis R'y.
"COTTON BELT ROUTE."
Is now open for business between
CAIRO, ST. LOUIS and CHI-
CAGO and the NORTH and
EAST to all POINTS in
Arkansas and Texas.

GEO. W. BISTINE, GEO. W. LILLEY,
Gen'l Manager, Gen'l Frt. and Pass't
General Office: St. Louis, Mo.

Fruit Trees.
All fruit trees ordered of the Com-
mercial Nurseries of Nashville, T.
to be delivered at Fort Worth
delivered promptly on November
All persons having orders with them
should call and get their trees promptly
on that day while fresh and in good
condition. They will be at the Texas
wagon yard.

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